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Security Council Committee established pursuant to resolution 1267 (1999)

Note Verbale dated 15 April 2002 from the Permanent Mission of Sweden to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Sweden to the United Nations presents its compliments to the Security Council Committee established pursuant to resolution 1267 (1999).

With reference to note dated 7 March 2002, the Permanent Mission of Sweden to the United Nations hereby submits to the Chairman of the Committee the report by Sweden to the Security Council Committee established pursuant to resolution 1267 (1999) on the steps taken to implement the measures referred to in paragraph 2 in resolution 1390 (2002), adopted by the Security Council on 16 January 2002 (see annex).

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Annex to the note verbale dated 15 April 2002 from the Permanent Mission of Sweden to the United Nations addressed to the Chairman of the Committee

Report by Sweden pursuant to paragraph 6 of Security Council resolution 1390 (2002) of 16 January 2002

United Nations Security Council Resolution 1390 requests all States to report to the Sanctions Committee within 90 days from the date of adoption of this resolution on the steps they have taken to implement the measures required. This report is set out according to the outline of paragraph 2 in the UNSCR 1390.

2 (a) Measures taken for freezing of funds and other financial assets:

Relevant European Community Regulations are directly applicable in Sweden. On 6 March, 2001, the EU adopted Council Regulation (EC) No 467/2001, which implemented UNSCR 1267 and 1333. This Regulation contains rules about the freezing of funds and other financial assets and resources. To this Regulation was attached the then current list by the UN of individuals and organisations targeted by the sanctions. Since then as many as nine Commission Regulations have been adopted to ensure that the list of the EU corresponds to the consolidated list of the UN.

Since UNSCR 1390 was adopted, Sweden along with the other member states of the EU, have been working continuously on a new legislation that implements in full the changes of the sanctions regime. The result will take the shape of a new Common Position and a new Council Regulation. Currently, the European Parliament is being consulted on the draft Regulation. Sweden hopes that the new legislation may be adopted already in April 2002.

Until the new Regulation is adopted, the old Regulation (467/2001) applies.

2 (b) Measures taken to prevent the entry into or the transit of individuals:

Concerning the UNSCR 1390 provisions in Article 2 b about prevention of entry or the transit through territories of individuals who falls in the scope of the resolution, the Swedish government would like to state that relevant provisions in the Swedish Aliens Act (1989) and other parts of relevant Swedish legislation already fulfil these requirements.

Since 25 March 2001, Sweden has been an operative member of Schengen. This means that there are no longer any border checks at internal frontiers, i.e. borders shared with other Schengen states, and that people are able to move freely between Sweden and other states in the Schengen area. At the external borders, the Schengen state at the border is responsible for border controls. With respect to a number of the questions dealt with in this report, uniform regulations are in force for the whole of the area covered by Schengen. Checks at the external borders are carried out in accordance with common regulations. For its part, Sweden implemented a number of measures to strengthen its own border controls in preparation for entry into Schengen. In the consular area, there is extensive co-operation between the Schengen states, including co operation on visa policy. To prevent forgery, visas, travel documents and other papers issued conform to joint EU security standards.

The Schengen Information System (SIS) contains information on missing documents and other objects, persons who are to be denied entry into the Schengen area, and other data. There is extensive police cooperation between the Schengen states. On 12 September 2001, the Swedish National Police Board began an evaluation of Sweden's operative entry into Schengen, with the assistance of the Board of Customs, the Swedish Coast Guard, the Swedish Migration Board, the public prosecution offices, and other authorities. In this evaluation, particular emphasis has been given to the importance of efficient border controls and one of the points raised has been the question of the measures that need to be taken to prevent the free movement of terrorists. One example of a specific measure is the stationing of extra staff at the borders.

2 (c) Measures taken to prevent the supply, sale and transfer of arms:

The Swedish manufacture and exportation of military equipment are governed by the Swedish Military Equipment Act and the corresponding Ordinance. The Military Equipment Act stipulates that military equipment must not be manufactured without a license. Licenses are also required for all types of defence industry co-operation with foreign partners. The term "co-operation with foreign partners" covers both export sales and other arrangements for supplying military equipment (including transfer of ownership and brokerage). It also includes transfers of manufacturing right, agreements with a party in another country on development of military equipment or production methods for such equipment together with or on behalf of that party, and agreements on joint manufacture of military equipment. Licenses are also required, with certain exceptions, for the provision of military training.

The principles applied when examining applications and granting licenses have been established by government practice and are described in the Government's Guidelines for Exports of Military Equipment and Other Forms of Co-operation with Foreign Partners. The guidelines specify three types of unconditional prohibitions which, if they exist, rule out the possibility of exports. These are: decisions by the UN Security Council, international agreements to which Sweden has acceded (e.g. EU sanctions), and bans imposed under international law on exports from neutral states during war.

The National Inspectorate of Strategic Products (ISP) is the Swedish authority responsible for implementing the controls laid down in the Military Equipment Act and the corresponding Ordinance. The ISP maintains regular contacts with the companies whose exports are the subject of its control activities. Companies are required to provide the ISP with quarterly reports on their marketing of military equipment in other countries. ISP conducts periodic briefings with the companies regarding their export activities. The ISP also reviews the notifications that companies are required to submit at least four weeks before submitting tenders or signing contracts for exports of military equipment or other co-operation with foreign partners in this field. Exporters of military equipment must notify the deliveries of military equipment that are made under the export licenses issued to them.

As already stated, an arms embargo decided by the UN Security Council is an unconditional prohibition to Swedish exports under the guidelines on exports of military equipment. The embargo stipulated in UNSCR 1390 paragraph 2 (c) has thus been strictly enforced by Swedish control, law enforcement and custom authorities since its adoption.

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